

## REMARKS

Claims 1-2 are presently pending and stand rejected. Claim 3 is cancelled without prejudice. Claims 1 and 2 are amended.

Claims 1 and 2 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable from U.S. Pat. 6,721,837 and U.S. Patent 6,529,935, U.S. Pat. 6,189,064, and copending application 10/762,975, "because they teach precluding a device from memory access, which represents the preventative measures in the current application." It is respectfully claims 1 and 2 have been amended, and it is respectfully submitted that claims 1 and 2 as now amended are patently distinct from the foregoing.

Claims 1 and 2 were rejected as being anticipated by Christiansen under 35 U.S.C. § 102(e). Examiner has indicated that Christiansen teaches "producing at least one time signal, the at least one time signal defining a time period (predetermined time period 516, figure 5); and preventing the first device from accessing the memory during the time period (delaying constitutes preventing access to the system bus memory for the device by a predetermined period of time, column 6, lines 45-59 and figure 5)." Office Action, at 3-4.

Christiansen, Col. 6, Lines 45-52 teaches:

According to an exemplary embodiment of there present invention, the arbiter 22 can immediately grant control of the bus to the bus master device of second priority. In alternate embodiment, the arbiter 22 can delay the grant for a predetermined period of time, for example, at least a sufficient amount of time for the bus master device currently in control of the bus to complete the single instruction it is currently executing and buffer status information.

(Emphasis Added).

Claim 1 is amended to recite, among other limitations, "selectively preventing the first device associated with the particular one of the at least two counters from accessing the memory during the time-period". Claim 2 is amended to recite, among other limitations, "selectively preventing a higher priority device associated with the particular one of the at least two counters from accessing the memory during the time-period.

It is respectfully submitted that Christiansen merely teaches that "the arbiter 22 can delay the grant for a predetermined period of time, for example, at least a sufficient amount of time for the bus master device currently in control of the bus to complete the single instruction...". However, the foregoing does not teach, "selectively preventing the first device" or "selectively preventing a higher priority device". Additionally, the foregoing does not teach "selectively preventing" ... the first device/a higher priority device ... "associated with the particular one of the at least two counters".

Accordingly, Examiner is respectfully requested to withdraw the rejection to claims 1 and 2.

#### **CONCLUSION**

For at least the foregoing reasons, Assignee submits that each of the pending claims are now in a condition for allowance. Accordingly, Examiner is requested to pass this case to issuance.

It is believed that all monies for the actions described herein are provided with this correspondence. To the extent that additional monies are required for any of the actions requested in the correspondence, Commissioner is authorized to charge such fees and credit any overpayments to deposit account 13-0017.

Respectfully Submitted



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